

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

AG. G. a minor, by and through his guardian ad
litem, JESSICA AQUINO; AR. G., a minor, by
and through his guardian ad litem, JESSICA
AQUINO; KARLA GONSALEZ, individually;
and AUGUSTIN GONZALES JR., individually;

Plaintiffs,

vs.

CITY OF HAYWARD, a municipal corporation;
MARK KOLLER, individually; PHILLIP
WOOLEY, individually; MICHAEL CLARK,
individually; TASHA DECOSTA, individually;
and DOES 1-100, inclusive,

Defendants.

Case No. 4:19-cv-00697 DMR

**DECLARATION OF BENJAMIN
NISENBAUM IN SUPPORT OF
PLAINTIFFS' OPPOSITION TO
DEFENDANTS' MOTION FOR SUMMARY
JUDGMENT**

**Date: July 9, 2020
Time: 1:00 p.m.
Courtroom: 4**

Hon. Donna M. Ryu

EXHIBIT E

DEPOSITION OF OFFICER MICHAEL CLARK

IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA

--oOo--

AG.G. a minor, by and through)
his guardian ad litem, JESSICA)
AQUINO; AR.G., a minor, by and)
through his guardian ad litem,)
JESSICA AQUINO; KARLA GONSALEZ)
individually; and AUGUSTIN)
GONSALEZ, JR., individually,)

Plaintiffs,)

vs.)

CASE NO.: 4:19-cv-00697 DMR)

CITY OF HAYWARD, a municipal)
corporation; MARK KOLLER,)
individually; PHILLIP WOOLEY,)
individually; MICHAEL CLARK,)
individually; TASHA DECOSTA,)
individually; and DOES 1-100,)
inclusive,)

Defendants.)

CERTIFIED COPY

DEPOSITION OF OFFICER MICHAEL CLARK

TUESDAY, JANUARY 28, 2020

REPORTED BY: ANGELICA R. GUTIERREZ, CSR NO. 13292

DEPOSITION OF OFFICER MICHAEL CLARK

1 Pursuant to Notice of Taking Deposition and on
2 Tuesday, January 28, 2020, commencing at the hour of 10:24
3 a.m., thereof, at the Law Offices of John L. Burris, 7677
4 Oakport Street, Suite 1120, Oakland, California, before
5 me, ANGELICA R. GUTIERREZ, CSR No. 13292, a Certified
6 Shorthand Reporter and Deposition Officer of the State of
7 California, there personally appeared:

8
9 OFFICER MICHAEL CLARK,

10
11 called as a witness by the Plaintiffs, who having been
12 duly sworn by me, to tell the truth, the whole truth and
13 nothing but the truth, testified as hereinafter set forth:
14

15 ---000---

DEPOSITION OF OFFICER MICHAEL CLARK

1 OFFICER MICHAEL CLARK,
2 having been first duly sworn, testified as follows:

3 THE WITNESS: (TO OATH) Yes.

4 EXAMINATION BY BENJAMIN NISENBAUM

5 MR. NISENBAUM: Q. Can you please state and
6 spell your name?

7 A. Michael Clark, M-I-C-H-A-E-L, C-L-A-R-K.

8 Q. And what is your current occupation?

9 A. Police officer.

10 Q. Where are you employed at?

11 A. City of Hayward.

12 Q. Do you have any other experience as a police
13 officer or a peace officer?

14 A. Yes.

15 Q. Where?

16 A. The city of Stockton.

17 Q. When were you at Stockton?

18 A. From '07 to '09.

19 Q. Was that before their bankruptcy?

20 A. Yes. And -- Well, Yes. Yes. And -- and
21 both.

22 Q. Got it. I understand. And was there break
23 in -- in employment at Stockton and city of Hayward?

24 A. No.

25 Q. Okay. So while you were working at Stockton,

DEPOSITION OF OFFICER MICHAEL CLARK

1 shot and killed him, correct?

2 MR. VIGILIA: Objection. Misstates the
3 evidence, lacks foundation.

4 MR. NISENBAUM: Q. When you shot and killed
5 him, rephrase -- strike the past question. In fact, he
6 was walking slowly towards you when you shot and killed
7 him, correct?

8 MR. VIGILIA: Objection. Again, misstates the
9 evidence, lacks foundation.

10 THE WITNESS: Incorrect.

11 MR. NISENBAUM: Q. Okay. How was -- was he
12 running towards you?

13 A. No.

14 Q. Okay. Was he walking towards you?

15 A. Yes.

16 Q. Okay. And so, it's incorrect in the sense
17 that the word "slowly"; is that right?

18 A. Yes, I wouldn't say he was walking -- I would
19 say the proper use of the word -- the proper way to
20 describe it would be deliberately and with a purpose.

21 Q. Okay. Those seem like adjectives, but what
22 was his body motion? He wasn't running, right?

23 A. Correct.

24 Q. He wasn't jogging?

25 A. Correct.

DEPOSITION OF OFFICER MICHAEL CLARK

1 Q. So, on the treadmill, you know you've got
2 different settings. You've got walk, jog, and run,
3 right?

4 A. Yes.

5 Q. So, what's left? Walk, right?

6 A. Yes.

7 Q. Okay. Now, you sense that there was a purpose
8 in his walk, correct?

9 A. Yes.

10 Q. And you said "deliberately" correct?

11 A. Yes.

12 Q. Okay. And we'll get back to that, but I want
13 to be clear that at the time you shot and killed
14 Mr. Gonzales, he was walking towards you, correct?

15 MR. VIGILIA: I'm going to object again.
16 Misstates the evidence, lacks foundation.

17 THE WITNESS: He wasn't running, and he wasn't
18 jogging, so he would be walking.

19 Q. Okay. And at the time you shot and killed
20 Mr. Gonzales, you had a taser, correct?

21 A. Yes.

22 Q. And that taser was located where?

23 A. On my left hip.

24 Q. Okay. And I take it your taser worked, right?

25 A. Correct.

DEPOSITION OF OFFICER MICHAEL CLARK

1 Q. So you're familiar with that?

2 A. Yes.

3 Q. So you know that if a person is 9 feet away,
4 you should have about a foot spread between the probes?

5 A. I'm -- I'm not familiar with the -- the break
6 down of it. I -- overall just the general idea of how
7 it works. I'm not -- I'm not a taser -- I'm not
8 trained specifically in the taser instruction
9 purposes -- for instruction purposes.

10 Q. I understand that, but you are trained to use
11 a taser, right?

12 A. Yes.

13 Q. So you received this slide show?

14 A. I think if -- what you are referring to is the
15 slide show that we have in the department, I've
16 received training, yes.

17 Q. You don't have a 35-foot cartridge, correct?

18 A. That's correct.

19 Q. Okay. I'm going to show you Bates 1938. It
20 says, "smart use considerations when reasonable. Use
21 the minimum force necessary to accomplish lawful
22 objectives. Use force only on those that 'actively
23 resisted' or higher. Finally, give a verbal warning
24 before the use of force". Do you see that?

25 A. Yes.

DEPOSITION OF OFFICER MICHAEL CLARK

1 Q. Okay. I read it correctly?

2 A. Yes.

3 Q. Did you give Mr. Gonzales a warning?

4 A. I did not, personally.

5 Q. Did you here anyone give warning?

6 A. Yes.

7 Q. Who?

8 A. Officer Wooley.

9 Q. What did he say?

10 A. He said -- I believe he said something to the
11 nature of, "stop, show me your hands". Something along
12 commands.

13 Q. Okay. Do you understand that's the difference
14 between a command and a warning?

15 A. Yes.

16 Q. Okay. And what's the difference?

17 A. A command is something you are telling someone
18 to do, and warning is when you warning them on
19 something like that.

20 Q. So, basically the warning -- a warning would
21 be -- you can do a command and a warning. "Stop or
22 I'll shoot", right?

23 A. Yes.

24 Q. So that would be a warning, correct?

25 A. That would.

DEPOSITION OF OFFICER MICHAEL CLARK

1 Q. "Or I'll shoot" is a warning?

2 A. That could be used as a warning. Could also
3 be -- it's also a command, too.

4 Q. "I'll shoot"? That's a command?

5 A. "Stop" is a command.

6 Q. Right, "stop" is a command. So my question to
7 you is, did you hear a warning with respect to
8 Mr. Gonzales? Did you here anyone give him a warning?

9 A. I -- I think that the command is sufficient as
10 a warning. It's -- it's -- when you're told -- when
11 you given a command, it's a warning in it's own -- in
12 it's own right. The words may not have been
13 specifically said, but.

14 Q. Is that consistent with Hayward Police
15 Department policy to your knowledge?

16 A. The Hayward Police Department policy is you
17 should give commands if feasible -- if reasonable.

18 Q. Doesn't it say you should give warnings if
19 reasonable or feasible?

20 A. Warnings is what I meant to say. Correct.
21 Sorry about that.

22 Q. All right. So that's what the Hayward Police
23 Department policy says, and they are not saying you
24 should give commands if reasonable, you're saying you
25 should give awarning if reasonable, correct?

DEPOSITION OF OFFICER MICHAEL CLARK

1 A. I think it's all just a matter of
2 interpretation. I think a command can be used as a
3 warning, as well as a warning can be used as a command.
4 It just depends on the inflection.

5 Q. Okay. So that's your personal opinion,
6 correct?

7 A. I think that's just a real life general
8 observation of the facts, sir.

9 Q. So it's your personal opinion?

10 A. It is my personal opinion. It's also a
11 statement of what I believe to be the facts.

12 Q. Okay. So you believe that -- that saying
13 "stop" is the same thing if you were -- used the proper
14 inflection. Saying the word "stop" is the same thing
15 as saying "stop, or I'll shoot", right

16 A. Depending on the situation, yes.

17 Q. Okay. And to be clear, is that your personal
18 view, or is that consistent with Hayward Police
19 Department policy?

20 A. It's a -- I don't think the policy addresses
21 something like that. I don't want to interpose my --
22 what the policy says versus what I'm saying because the
23 policy allows for discretion in those matters.

24 Q. The discretion is "if reasonable", correct?

25 A. If reasonable.

DEPOSITION OF OFFICER MICHAEL CLARK

1 Q. Okay. So, if it's reasonable to give a
2 warning, then you're supposed to give a warning not
3 just a command, correct?

4 A. It's your -- it's advised that you give a
5 warning. It's not a must in all situations.

6 Q. But if reasonable, you should, correct?

7 A. You should, yes.

8 Q. You should give a warning, correct, if it's
9 reasonable?

10 A. Correct.

11 Q. Did anybody give Mr. Gonzales a warning that
12 he would be shot if he didn't stop?

13 A. Again, I'm going to -- I believe yes. I don't
14 think it -- I know what you are saying. You're asking
15 for direct, certain verbiage, but he was give a warning
16 without certain words being used.

17 Q. Is there a warning shot fired?

18 A. No.

19 Q. Okay. So, it wasn't a warning shot fired.
20 Was it the demeanor of the officers that gave the
21 warning? It was your demeanor that was a warning?

22 A. Yes, that's an aspect of it, as well.

23 Q. Okay. So, the fact that guns were pointed at
24 him and the demeanor of the officers along with the
25 commands being given to him, the commands to being

DEPOSITION OF OFFICER MICHAEL CLARK

1 stopped and similar commands, in totality constituted
2 the warning, correct?

3 A. Yes, exactly.

4 Q. Now, you have been trained in how to respond
5 to mentally impaired subjects, correct?

6 A. Yes, I have.

7 Q. And subjects who exhibit signs of mental
8 problems, correct?

9 A. Yes, I have.

10 Q. Okay. And you've also been trained in how to
11 respond to subjects who exhibit symptoms of suicide by
12 cop, correct?

13 A. Correct.

14 Q. Okay. And you have no training that says that
15 if a person is exhibiting signs of suicide by cop that
16 it's okay to then shoot them, correct.

17 A. I'm sorry. Can you repeat the question?

18 Q. You don't have any training that says if a
19 subject is exhibiting suicide by cop that it is okay to
20 then shoot them?

21 MR. VIGILIA: Objection, incomplete
22 hypothetical.

23 THE WITNESS: Scenarios change. Situations
24 change. Trainings -- it's all scenario-based and it's
25 subjective to that actual particular incident at the

DEPOSITION OF OFFICER MICHAEL CLARK

1 time.

2 Q. Let me be more specific.

3 A. Sure.

4 Q. Simply because a person is exhibiting signs of
5 being suicidal or they want to commit suicide by cop,
6 it doesn't mean that you are not still bound to -- to
7 follow department policy in law, correct? You're still
8 bound by the policy in law of the department, correct?

9 A. Yes.

10 Q. Okay. And the law state of California and the
11 United States of America, correct?

12 A. Yes.

13 Q. Okay. And that law requires you to act
14 reasonably when you use force against subjects,
15 correct?

16 A. Correct.

17 Q. And that law requires you to take into
18 consideration whether the person appears to be mentally
19 impaired, correct.

20 MR. VIGILIA: Objection. Misstates the laws
21 and asks for legal conclusion.

22 THE WITNESS: Its reasonable to consider all
23 those things if the circumstances allows.

24 MR. NISENBAUM: Q. You understand that your
25 department policy requires that, correct?

DEPOSITION OF OFFICER MICHAEL CLARK

1 to put them in and annotate them into your detail.

2 Q. Okay. Up until point when shots were fired,
3 can you tell me what you had heard over the radio ?

4 A. Sure. I got dispatched to a man that was
5 brandishing a knife and threatening people with a
6 knife. Hispanic male, blue jeans, and a red, possibly
7 black colored shirt at O'Neill and Orchard. I
8 continued to here that there was still an ongoing
9 situation, had not solved itself, meaning that there
10 was still a need for us to respond. As I got closer to
11 the scene, there was people -- I heard that there was
12 people -- I heard that there was updates of people
13 being flagged down, that the address had actually
14 changed to a physical address, or at least in front of
15 one, and that -- but at that time, I got out, I
16 ascertained the situation and made the decision, based
17 on my training and experience, what I perceived to be
18 my partner in immediate, bodily harm. And I feared for
19 his death and his safety, so therefore I made the
20 decision, which I'm trained to do, which I realized at
21 the time was a need for a lethal force situation.

22 Q. You never saw anything in mister -- when you
23 say -- strike that. When you say you got out and saw
24 your -- your fellow officer and you were in fear of his
25 safety, and you did what you were trained to do, what

DEPOSITION OF OFFICER MICHAEL CLARK

1 you mean is you started shooting, correct?

2 A. Not without --

3 MR. VIGILIA: Objection, argumentative.

4 MR. NISENBAUM: Q. Okay. What did -- what do
5 you mean? You said you did what you were trained to
6 do?

7 A. Sure. Based on the information that I had, I
8 saw a man who matched the description who was -- I
9 heard in the -- the seven seconds that this whole event
10 unraveled, unfolded, there were -- I heard commands
11 that my partner was giving, which I believe to be a
12 warning and a command at the same time because, as I
13 mentioned earlier, requesting someone and showing the
14 gun -- pointing a gun at someone and telling them to
15 stop is as much an equal warning as it is a command.
16 And he was directly making pre-threat indicators
17 towards my partner as he walked towards him, and I
18 believed he was armed with a knife, so therefore,
19 because my partner's life was in jeopardy, I discharged
20 my firearm to stop the threat.

21 Q. And so you shot him?

22 A. I did.

23 Q. Okay. How many times?

24 A. Three? Two or three. Somewhere around there.

25 Q. And at the time that you shot him, you saw

DEPOSITION OF OFFICER MICHAEL CLARK

1 that your partner had his gun out, correct?

2 A. I knew my partner had his gun out, yes.

3 Q. Who shot first, you or your partner?

4 A. I have no idea.

5 Q. Okay. Did you see your partner shoot at all?

6 A. I didn't see him shoot, I heard him shoot.

7 Q. What's your partner's name?

8 A. Officer Wooley.

9 Q. What's his first name?

10 A. Phillip.

11 Q. Okay. So when you saw Officer Wooley -- well,
12 when you heard Officer Wooly's shot, did they proceed
13 yours?

14 A. I don't recall. I think it was all the same
15 time.

16 Q. How many shots did you hear from Officer
17 Wooley?

18 A. I don't know.

19 Q. Okay. At no time did you see any weapon in
20 Mr. Gonzalez's hand, correct?

21 A. I did not. I was -- I didn't have the
22 opportunity to allow for the possibility for there to
23 be one or not.

24 Q. And Mr. Gonzalez's was well-lit by headlights,
25 right?

DEPOSITION OF OFFICER MICHAEL CLARK

1 A. There's no such thing as "well-lit" in the
2 dark, whether you have lights or not.

3 Q. So your --

4 A. You're well-lit. You are well-lit, but if we
5 take the light out of this room and it's dark outside
6 and I put a flashlight on you, a spotlight, or
7 headlights on you, you're -- I can see you. Doesn't
8 mean you're well-lit.

9 Q. Could you see his hands?

10 A. I could see his hands.

11 Q. Was there any objects in his hands?

12 A. I didn't see any objects in his hands, but he
13 was presenting his hands in a way as if he had
14 something --

15 Q. Show me how he was presenting them.

16 A. Something along the lines of this.

17 Q. Please stand and show me. He wasn't sitting,
18 was he?

19 A. He wasn't sitting. So, he had his hands out,
20 for the court purposes.

21 Q. You're holding your hands together, you're
22 collapsing -- and I take it you have the correct hands,
23 if you can recall?

24 A. It wouldn't really matter to know which hands.
25 Either way --

DEPOSITION OF OFFICER MICHAEL CLARK

1 dangerous.

2 Q. Again, I'm here to get the facts of what you
3 observed?

4 A. Sure. That's what I observed.

5 Q. So what you observed -- I'm not asking what is
6 equally dangerous. I'm asking what you actually
7 observed. So the way you're holding that your hands is
8 your best recollection of how he was holding his hands,
9 Mr. Gonzales, correct?

10 A. Correct.

11 Q. Okay. And did you see anything, any object,
12 any item in his hands, whatsoever?

13 A. I didn't time to see anything.

14 Q. My question, yes or no?

15 A. I did no see anything, no.

16 Q. Thank you.

17 A. May I sit down?

18 Q. Yes.

19 A. Thank you.

20 Q. Thank you for asking. Did you know that
21 Sergeant DeCosta was there?

22 A. I knew she was -- I knew she was on scene,
23 yes.

24 Q. Did you drive by her?

25 A. At the time, I didn't know that I did.

DEPOSITION OF OFFICER MICHAEL CLARK

1 seven seconds, but I still believe that you can
2 formulate a game plan, and you can formulate tactics,
3 and you can think about all these things. The
4 application of which was not there, because there was
5 no time to do so. There was one specific way to handle
6 this, unfortunately, and it was the way had -- it was
7 handled.

8 Q. Did you see anything that blocked Officer
9 Wooley from moving backwards?

10 A. There -- I don't know -- I didn't know
11 anything at the time. I didn't see anything at the
12 time, but that's not say there wasn't. I wasn't really
13 focused on what was behind Officer Wooley at the time.

14 Q. And was Mr. Gonzales -- we've already
15 discussed he wasn't charging at Officer Wooley,
16 correct?

17 A. I would say he was.

18 Q. So walking towards Officer Wooley is charging
19 at him?

20 A. In this situation yes.

21 Q. Okay. What is your definition of charge?

22 A. When given commands to stop and you continue
23 in a -- in a way that is threatening, that would be
24 charging.

25 Q. So, walking at -- with a methodical -- at a

DEPOSITION OF OFFICER MICHAEL CLARK

1 methodical pace, like, just walking with -- towards
2 Officer Wooley, that's charging?

3 A. Based on this situation, yes. It was.

4 Q. Okay. And he could have moved if he was
5 running, I take it?

6 A. He could have moved faster, and he could have
7 moved slower, and he could have stopped.

8 Q. He could have stopped or run in place?

9 A. He could have run in place, too.

10 Q. And so, at no time, did you ever see Officer
11 Wooley attempt to change his location, correct?

12 A. I -- I knew where Officer Wooley was in
13 proximity to -- to me. Again, I wasn't focused on what
14 Officer Wooley was doing.

15 Q. Okay. And you don't know who fired first --
16 you or Officer Wooley?

17 A. Correct.

18 Q. You know that neither of you had tasers out,
19 correct?

20 A. That is correct. Well, I didn't know -- I
21 didn't know at the time. Let me reiterate. I now know
22 after the fact of watching those videos that Officer
23 Wooley did not have his out at the time or didn't --
24 had it or did not have at the time.

25 A. I thought you said you saw he had him at

DEPOSITION OF OFFICER MICHAEL CLARK

1 officers believe. Lacks foundation.

2 A. To answer your question, I -- I can't, you
3 know, say what other officers would do. I can say that
4 it's -- you should not drink a gallon of whiskey, but
5 that doesn't mean can't do it if you really wanted to.
6 That's the metaphor. Perhaps a poor one, but that's
7 the point I'm trying convey.

8 Q. That's a pretty poor metaphor.

9 A. But I think it's the point that I'm trying to
10 convey that should be taken out of that, not the
11 metaphor itself.

12 Q. Got it. I think I understand the metaphor.
13 Thank you. Now, you heard Officer Wooley, before shots
14 were fired, saying, "Put down the knife. Put down the
15 knife", correct?

16 A. Correct.

17 Q. Okay. And you never saw Sergeant DeCosta at
18 the scene until after shots were fired, correct?

19 A. That is correct.

20 Q. And how far were you from Mr. Gonzales when
21 you shot him?

22 A. Between 12 to 15 feet.

23 Q. Okay. And you were approaching him?

24 A. I was.

25 Q. Okay. As you shot, were you walking?

DEPOSITION OF OFFICER MICHAEL CLARK

1 Q. His left side? Okay. And did you believe
2 that you were about the same distance from Officer
3 Wooley as you were from Mr. Gonzales when you shot him?

4 A. In close proximity. About the same distance.

5 Q. Okay. Were you closer -- you were in a
6 straight line. Were you closer to Mr. Gonzales than to
7 Officer Wooley?

8 A. I would say I was probably slightly closer to
9 Officer Wooley, maybe. Not by much, though. Maybe a
10 foot or two.

11 Q. So how long after you heard Officer Wooley
12 say, "put the knife down", did you -- the last time you
13 heard him say it did you fire?

14 A. I heard him saying it as I was approaching
15 Mr. Gonzalez.

16 Q. I understand that. How long after you last
17 heard him say, "put the knife down" did you fire?

18 A. Split second.

19 Q. Was he still saying that when you fired?

20 A. I don't recall.

21 Q. Okay. And last thing I want to do is watch
22 the video. I want to make sure that I don't have any
23 other questions here. Did you hear Officer Wooley say,
24 "put the knife down" or "he's got the knife"?

25 A. I believe I heard both.

DEPOSITION OF OFFICER MICHAEL CLARK

1 Q. A box cutter looks like a container that holds
2 a razor of some sort, right?

3 A. Correct.

4 Q. And typically it's retractable, correct?

5 A. Correct.

6 Q. And so, what -- do you recall the color of the
7 box cutter that you thought you saw?

8 A. I just saw a silver object that I thought was
9 a box cutter.

10 Q. And so, you obviously didn't get a good look
11 at it, correct?

12 A. I saw a silver object that was a blade, and I
13 thought it was a box cutter. It was later brought to
14 my attention it was just a razor blade.

15 Q. Are you aware -- well, strike that. As you
16 sit here, do you have a recollection of getting a good
17 look at this object at the scene?

18 A. Not a good look, I just remember seeing a
19 bladed -- like I said, I thought I saw a box cutter.

20 Q. And you can't say what color you thought it
21 was, correct?

22 A. It was silver.

23 Q. Okay.

24 A. I remember seeing something silver. I didn't
25 have time to exam it, though.

DEPOSITION OF OFFICER MICHAEL CLARK

1 you're running?

2 A. That would fall under "should".

3 Q. Okay. Thank you. No further questions.

4 (Deposition concluded at 3:13 PM)

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DEPOSITION OF OFFICER MICHAEL CLARK

1 STATE OF CALIFORNIA)
2) ss.
3 COUNTY OF CONTRA COSTA)

4 I, Angelica R. Gutierrez, a licensed Certified
5 Shorthand Reporter, duly qualified and certified as such
6 by the State of California;

7 That prior to being examined, the witness named in
8 the foregoing deposition was by me duly sworn to testify
9 to the truth, the whole truth, and nothing but the truth;

10 That the deposition was by me recorded
11 stenographically at the time and place first herein
12 mentioned, and the foregoing pages constitute a full,
13 true, complete and correct record of the testimony given
14 by the said witness;

15 That I am a disinterested person, not being in any
16 way interested in the outcome of said action, nor
17 connected with, nor related to any of the parties in said
18 action, or to their respective counsel, in any manner
19 whatsoever.

20
21 DATED: January 28, 2020

22
23 ____/s/Angelica R. Gutierrez____

24 ANGELICA R. GUTIERREZ, CSR No. 13292